

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                                  |   |                                    |
|----------------------------------|---|------------------------------------|
| <b>UNITED STATES OF AMERICA,</b> | : |                                    |
|                                  | : |                                    |
| <b>vs.</b>                       | : | <b>Case No.: 1:07 CR 00093 SLR</b> |
|                                  | : |                                    |
| <b>JONATHAN MCKINNEY</b>         | : |                                    |
| <b>Defendant</b>                 | : |                                    |
| <hr/>                            | : |                                    |

**ORDER**

AND NOW, this                      day of                      , 2005, upon Motion of the Defendant, Jonathan McKinney, it is hereby ORDERED and DECREED as follows:

1. Failure to grant this request for a continuance would result in a miscarriage of justice, 18 U.S.C. sec. 3161 (h) (8) (B).
2. Under the Speedy Trial Rule, 18 U.S.C. secs. 3161 (h)(8)(A), (B) and (C), the period of delay resulting from the continuance is excludable where granting the continuance serves the ends of justice and outweighs the best interest of the public and the defendant in a speedy trial.
3. The time by which Jonathan McKinney shall file his pre-trial motions is extended to December 19, 2007.

**By The Court:**

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**Sue L. Robinson, J.**

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| <b>vs.</b>                       | : | <b>Case No.: 1:07 CR 00093 SLR</b> |
|                                  | : |                                    |
| <b>JONATHAN MCKINNEY</b>         | : |                                    |
| <b>Defendant</b>                 | : |                                    |
| <hr style="width: 100%;"/>       | : |                                    |

**DEFENDANT’S MOTION TO ENLARGE TIME  
IN WHICH TO FILE PRE-TRIAL MOTIONS**

1. The defendant, Jonathan McKinney, is charged with possession of child pornography.
2. The defendant is incarcerated at the request of the Government, although a bail motion is presently pending.
3. The present time by which all pre-trial motions must be filed is October 19, 2007.
4. Discovery has been virtually non-existent on the part of the Government.
5. The Defendant is waiting for the Government to respond to a request for discovery that it is hoped will allow the Defendant to meaningfully examine the electronic media and other evidence. Until there is a valid and meaningful response to this discovery request, the Defendant cannot go forward in the preparation of his defense.
6. The Government has denied the Defendant his statutory right to have the material “reasonably available” to him under 18 U.S.C. section 3509 (m) (2) (A) because the Government has not provided “ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his



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**VS.**

**JONATHAN MCKINNEY**

## Defendant

[illegible]

**Case No.: 1:07 CR 00093 SLR**

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that service of the Defendant's Motion was made on Edmond Falgowski, A.U.S.A., the attorney of record for the Government, via the Electronic Court Filing System (ECF) on October 10, 2007.

**PERLSTEIN LAW**

By: S/  
Paul M. Perlstein, Esq.